

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Global Commodities Group, LLC and
James Besch,

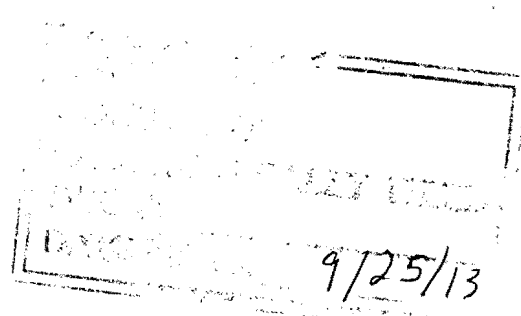
Plaintiffs,

-against-

National Union Fire Insurance Company of
Pittsburgh, PA,

Defendant.

No. 1:13-cv-2063(SAS)



PARTIES' [PROPOSED] SCHEDULING ORDER

WHEREAS, the Court issued an Order for a Conference to set a discovery schedule in accordance with Fed. R. Civ. P. 16(b) (the "Order"); and

WHEREAS, the parties have reviewed the information requested in the standing scheduling order for Judge Scheindlin;

NOW, THEREFORE, the parties hereby submit the following information:

(1) the date of the conference and the appearances for the parties;

September 24, 2013. Richard C. Yeskoo appeared for plaintiffs Global Commodities Group, LLC and James Besch and Joe Profiaizer appeared for defendant National Union Fire Insurance Company of Pittsburgh, PA.

(2) the date by which automatic disclosures will be exchanged;

October 15, 2013.

(3) a concise statement of the issues as they then appear;

Are James Besch and/or Global Commodities Group, LLC alter egos of Access Global Capital, LLC and therefore bound by the arbitration agreement contained in Comprehensive Export Credit Insurance Policy No. 3615-3896 issued by National Union Fire Insurance Company of Pittsburgh, PA to Access Global Capital, LLC and Novel Commodities S.A.

(4) A schedule including:

(a) the names of persons to be deposed and a schedule of planned depositions;

Proposed By Plaintiff:

1. George Poon, AIG
2. John Hertzner, Aon

Proposed By Defendant:*

1. James Besch
2. Theresa Flynn
3. Henry Meyer
4. Frank Gouverne (or, if not available, Hortensia Almeida and/or Florian Cergneux)

* Defendant cross-designates George Poon and John Hertzner

Depositions to be completed ~~February 14, 2014~~ *January 15, 2014*. The parties reserve the right to depose any other individual not listed above and that is identified in the automatic disclosures.

(b) a schedule for the production of documents;

The parties shall serve document requests on October 15, 2013. Responses are due November 14, 2013.

(c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed;

Plaintiffs do not presently anticipate using an expert. They reserve the right to use an expert for rebuttal should National Union use an expert.

National Union Expert: April 1, 2014

Plaintiff's Rebuttal Expert: May 1, 2014

Depositions to be completed by June 2, 2014

(d) time when discovery is to be completed;

Fact Discovery Closes: ~~February 14, 2014~~ *Jan 13, 2014*

Expert Discovery Closes: June 2, 2014

Proposed Dispositive Motions Schedule:

National Union opening papers: July 1, 2014

Plaintiffs' opposition and cross motion papers:

August 1, 2014

National Union's opposition and reply papers:

September 1, 2014

Plaintiffs' reply papers:

September 15, 2014

Feb. 12, 2014
Feb. 19, 2014

- (e) the date by which National Union will supply its pretrial matters to Plaintiffs;

- (f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and

- (g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

- (5) a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

The parties are negotiating a protective order.

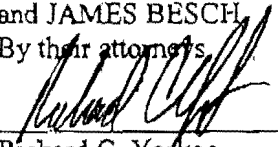
- (6) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

Plaintiffs assert that Defendant should be limited to 2 depositions.

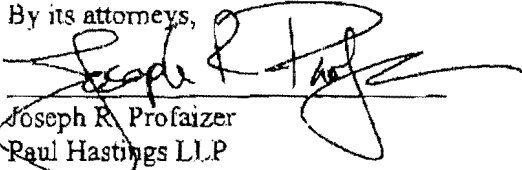
Defendant asserts that it should be permitted to take a reasonable number of depositions to obtain the information necessary to litigate the issues before this Court. Defendant further asserts that the individuals identified above possess relevant and discoverable information related to these issues. Defendant further asserts that unfair prejudice will result if it not permitted to take the depositions of these individuals or any individual that Plaintiffs may call as a trial witness.

- (7) **anticipated fields of expert testimony, if any;**
Accounting.
- (8) **anticipated length of trial and whether to court or jury;**
Four-day jury trial.
- (9) **a statement that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires;**
The parties agree.
- (10) **names, addresses, phone numbers and signatures of counsel;**

GLOBAL COMMODITIES GROUP, LLC
and JAMES BESCH,
By their attorneys,

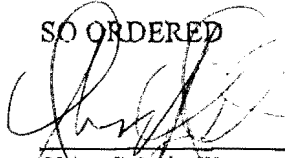

Richard C. Yeskoo
Yeskoo Hogan & Tamlyn, LLP
909 Third Avenue, 28th Floor
New York, NY 10022
(908) 464-8300
yeskoo@yeskoolaw.com

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURG, PA
By its attorneys,


Joseph R. Profaizer
Paul Hastings LLP
875 15th Street, N.W.
Washington, DC 20005
(202) 551-1860
joeprofaizer@paulhastings.com

Dated: September 24, 2013

SO ORDERED


Shira Scheindlin
United States District Judge